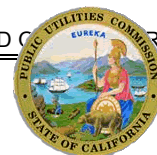


## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

**FILED**

05/23/19  
04:05 PM

May 23, 2019

Agenda ID #17457

Ratesetting

## TO PARTIES OF RECORD IN APPLICATION 17-12-022:

This is the proposed decision of Administrative Law Judge Goldberg. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's June 27, 2019, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on this proposed decision as provided in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov). Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed, pursuant to Rule 1.13, either electronically or in hard copy. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ Goldberg at [sl5@cpuc.ca.gov](mailto:sl5@cpuc.ca.gov), and to the Intervenor Compensation Program at [Icompcoordinator@cpuc.ca.gov](mailto:Icompcoordinator@cpuc.ca.gov). The current service list for this proceeding is available on the Commission's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

/s/ ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:jt2

Attachment

Decision **PROPOSED DECISION OF ALJ GOLDBERG** (Mailed 5/23/2019)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Clean Coalition for Award of Intervenor Compensation for Substantial Contributions to Resolution ALJ-347.	Application 17-12-022
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**DECISION DENYING INTERVENOR COMPENSATION CLAIM OF CLEAN COALITION**

<b>Intervenor: Clean Coalition</b>	<b>For contribution to Resolution ALJ-347</b>
<b>Claimed:</b> \$8,308.50	<b>Awarded:</b> \$0.00
<b>Assigned Commissioner:</b> Michael Picker	<b>Assigned ALJ:</b> Sasha Goldberg

**PART I: PROCEDURAL**

<b>A. Brief description of Decision:</b>	Modifications to Electric Tariff Rule 21 to adopt an Expedited Interconnection Dispute Resolution process per Resolution ALJ-347 and Assembly Bill 2861
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	N/A	There was no prehearing conference for this proceeding.
2. Other specified date for NOI:	N/A	Verified
3. Date NOI filed:	12/12/2017	12/14/2017
4. Was the NOI timely filed?		Yes

**PROPOSED DECISION**

<b>Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	R.10-05-006	A rebuttable presumption of eligibility established in R.10-05-006 has expired (§1804(b)). <i>See</i> Part I(C).
6. Date of ALJ ruling:	July 19, 2011	A rebuttable presumption of eligibility only applies to the proceedings initiated within 1-year of the date of the finding of eligibility (§1804(b)). Accordingly, a finding of eligibility made in July 2011, does not apply to the instant proceeding which was initiated on December 14, 2017.
7. Based on another CPUC determination (specify):		No.
8. Has the Intervenor demonstrated customer status or eligible government entity status?		No, <i>see</i> Part I(C).
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b))</b>		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	A rebuttable presumption of eligibility stemming from the July 19, 2011 ruling has expired (§1804(b)).
10. Date of ALJ ruling:	July 19, 2011	Under §1804(b), a rebuttable presumption of eligibility is only valid within 1-year after a finding of eligibility in another proceeding. The instant proceeding was initiated on December 14, 2017, more than 6 years from the date of the July 19, 2011 ruling. Therefore, the reference to the R.10-05-006 ruling here is invalid.
11. Based on another CPUC determination (specify):		No.
12. Has the Intervenor demonstrated significant financial hardship?		No.

<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	Resolution ALJ-347	Verified
14. Date of issuance of Final Order or Decision:	10/17/2017	Verified
15. File date of compensation request:	12/12/2017	12/14/2017
16. Was the request for compensation timely?	Yes	

**C. Additional Comments on Part I:**

#	Intervenor's Comment(s)	CPUC Discussion of Eligibility Issues
	<p>The Commission adopted Resolution ALJ-347 in response to Assembly Bill (AB) 2861 (Stats. 2016, Ch. 672), signed into law in September 2016.</p> <p>In accord with the Intervenor Compensation Program Guide, Sec IV, we here-by submit this compensation request and attached NOI where there is no formal docket associated with the proceeding.</p> <p>Although there is no formal proceeding associated with this Resolution, the issues addressed build upon those of R.11-09-011 (Order Instituting Rulemaking to Consider Streamlining Interconnection of Distributed Energy Resources and Improvements to Rule 21 (Order Instituting Rulemaking on the Commission's Own Motion to improve distribution level interconnection rules and regulations for certain classes of electric generators and electric storage resources) (closed) and the current R.17-07-007 (Order</p>	<p>As previously addressed in Decision (D.) 19-03-023, since March 2015 Clean Coalition filed factual information that prompted the Commission to reassess the intervenor's standing as a customer pursuant to §1802(b)(1)(C). This reassessment was first performed in the A.15-02-009, in a ruling issued on June 30, 2016. The ruling explained that new facts indicated that Clean Coalition primarily serves the needs of entities in the renewable energy industries and markets. Therefore, the June 30<sup>th</sup> ruling declared that Clean Coalition is no longer an organization representing the interests of residential customers as required by §1802(b)(1)(C) and has not demonstrated its required showing of significant financial hardship. The Commission later denied Clean Coalition's Motion to reconsider the June 30<sup>th</sup> ruling.</p> <p>Since the June 30, 2016 ruling, the Commission issued D.18-11-010 stating that Clean Coalition has not demonstrated customer status, by failing to show how it represents the interests of residential ratepayers, pursuant to § 1802(b)(1)(C).</p> <p>A finding of "customer" status is a pre-requisite to a finding of significant financial hardship.<sup>1</sup> A denial of "customer" status renders the issues of financial hardship moot. The June 30, 2016 ruling and D.18-11-010 both conclude that Clean Coalition fails to demonstrate customer status.</p>

<sup>1</sup> See. D.98-04-059 at 21.

**PROPOSED DECISION**

	<p>Instituting Rulemaking to Consider Streamlining Inter-connection of Distributed Energy Resources and Improvements to Rule 21).</p> <p>Clean Coalition filed NOI's in both proceedings and has been an active contributor. In addition, Clean Coalition was a leading intervenor in the Rule 21 Settlement process, including those sections associated with Dispute Resolution.</p>	<p>For groups and organizations, “significant financial hardship” means that “the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in a proceeding” (§1802(h)). §1804(b) affords a party that has received a finding of significant financial hardship, a presumption of such hardship in other proceedings. This presumption is not absolute, and can be rebutted (§1804(b)).</p> <p>The facts analyzed in D.18-11-010, and in the A.15-02-009 June 30, 2016 ruling, show that Clean Coalition fails to demonstrate significant financial hardship. Clean Coalition’s claim that subscribers to its free newsletter are Clean Coalition’s “members” has been found unsuccessful. The Commission has determined that Clean Coalition’s activities and advocacy primarily target the interests of entities participating in or entering the renewable energy industry markets. The Commission has previously determined that these entities have significant economic interests at stake in proceedings before the Commission, and therefore do not have cost barriers to participate.<sup>2</sup></p> <p>The economic interests of the entities Clean Coalition represents is not small in comparison to the costs of effective participation. Therefore, Clean Coalition is unable to pass the significant financial hardship test within §1802(h).</p> <p>The Clean Coalition has failed to provide new factual information about its standing that would change the outcomes of the June 30, 2016 ruling, D.18-11-010, and most recently, D.19-03-023. Therefore, we adopt the pertinent analysis completed in D.18-11-010 and the June 30, 2016 ruling.<sup>3</sup></p>
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<sup>2</sup> See D.18-11-010, and June 30, 2016 ruling in A.15-02-009.

<sup>3</sup> We note that this determination does not preclude Clean Coalition from submitting new factual information in a future proceeding for eligibility consideration.

**PART II: SUBSTANTIAL CONTRIBUTION****A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059).**

<b>Intervenor's Claimed Contribution(s)</b>	<b>Specific References to Intervenor's Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p>1. Clean Coalition has been an active and leading contributor in this proceeding, building upon our continuing role in Rule 21 updates, including those sections of Settlement process associated with Dispute Resolution.</p> <p>We participated in discussions and offered detailed contributions to the Staff Concept Paper and the subsequent Draft Resolution. Our recommendations were widely adopted in the Draft Resolution and modifications reflected in the Final Resolution.</p> <p>Clean Coalition filed the following informal comments:</p> <p>Clean Coalition Comments on Interconnection Dispute Resolution Staff Paper (01_ksw, 22 June 2017)</p> <p>Clean Coalition Reply Comments on Interconnection Dispute Resolution Staff Paper (01_ksw, 30 June 2017)</p> <p>Clean Coalition was the <u>only</u> non-utility party to file comments on the Draft resolution:</p> <p>ALJ-347 Clean Coalition Comments on Dispute Resolution (02_ksw, 21 Sep 2017)</p>	<p>“Comments on the Draft ALJ Resolution were served on September 21, 2017 by Clean Coalition and Joint Utilities (PG&amp;E, SDG&amp;E, and SCE), and reply comments were served on September 26, 2017 by the same two parties and are described in the Discussion section of this ALJ Resolution.”</p> <p>(Final Resolution, p.5)</p>	<p>Because of Clean Coalition's failure to establish both its customer status and showing of significant financial hardship, we do not review the claimed contributions made in connection with Resolution ALJ-347. The designation of non-applicable (N/A) is made throughout the remainder of this decision.</p>

<p>ALJ-347 Clean Coalition Reply Comments on Dispute Resolution (01_ksw, 26 Sep 2017)</p> <p>Clean Coalition broadly supported the Draft Resolution, adopting refinements to the Staff Concept Paper.</p>		
<p>2. Suspension of the interconnection process during dispute review:</p> <p>Joint Utilities articulated several use cases where it may be appropriate to halt the interconnection request to avoid unnecessary time and cost associated with continuing the analysis. Clean Coalition strongly disagreed with Joint Utilities request and recommended that the interconnection process be paused only by mutual agreement of both parties. We agree with Clean Coalition that there should be the opportunity to stay the process when both parties agree.</p>	<p><i>See:</i> ALJ-347 Clean Coalition Reply Comments on Dispute Resolution at p.3-4.</p> <p>“We agree with Clean Coalition that there should be the opportunity to stay the process when both parties agree.”</p> <p>(Final Resolution, p.3)</p>	N/A
<p>3. Application of Rule 21, Section K.2.a:</p> <p>Joint Utilities expressed that the existing Rule 21, Section K.2.a should serve as the informal dispute resolution requirement, and an expedited informal dispute resolution option should not be adopted. Clean Coalition on the other hand supported the Staff Proposal’s efforts to shorten the existing informal processes</p>	<p><i>See:</i> Clean Coalition Reply Comments on Interconnection Dispute Resolution Staff Paper at p.4-5</p> <p><i>See:</i> ALJ-347 Clean Coalition Reply Comments on Dispute Resolution at p.4.</p> <p>“We agree that interconnection applicants with a dispute need to assemble facts and pertinent information as described in Section K.2.a and offered an expedited option to support the goals of AB 2861. Further, the Staff Proposal already allows disputants to make a mutual request to Energy</p>	N/A

defined in Section K.2.a of Rule 21 precisely because the purpose of this process is to expedite resolution of disputes.	Division to extend deadlines associated with the informal dispute resolution process.” (Final Resolution, p.4)	
<p>4. In-person attendance at Interconnection Discussion Forum meetings:</p> <p>Clean Coalition suggested we include a mechanism for Energy Division to modify the schedule and in-person requirements of the working group based on experience and as need over time.</p>	<p><i>See:</i> ALJ-347 Clean Coalition Comments on Dispute Resolution at p.4-5</p> <p>“We also recognize the burden placed on stakeholders of this requirement. Therefore, we have modified the proposal to include quarterly Interconnection Discussion Forum meetings that require in person participation and monthly calls as a starting point. We also agree with Clean Coalition that we include a mechanism to adjust over time.”</p> <p>(Final Resolution, p.4)</p>	N/A
5. Allow parties to request additional time to prepare information for the Review Sub-Panel if good cause is shown, and clarify that failure to produce information in a timely manner does not necessarily result in forfeiture of the dispute;	<p><i>See:</i> ALJ-347 Clean Coalition Comments on Dispute Resolution at p.3</p> <p>Expedited Interconnection Dispute Resolution Process FINAL, p.5</p>	N/A
6. When disclosing economic interests, include not only interests related to the applicant, but also interests related to the utilities subject to the dispute resolution process;	<p><i>See:</i> ALJ-347 Clean Coalition Comments on Dispute Resolution at p.4</p> <p>Expedited Interconnection Dispute Resolution Process FINAL, p.5</p>	N/A
7. Clarified the scope of the Rule 21 Working Group.	<p><i>See:</i> Clean Coalition Comments on Interconnection Dispute Resolution Staff Paper at p.7-8</p> <p>Expedited Interconnection Dispute Resolution Process FINAL, p.4</p>	N/A



**PROPOSED DECISION**

8. Clarified the scope of eligible disputes for the expedited process.	<i>See:</i> Clean Coalition Reply Comments on Interconnection Dispute Resolution Staff Paper at p.5-6  Expedited Interconnection Dispute Resolution Process FINAL, p.4	N/A
9. That no more than two panel members be associated with any one utility.	<i>See:</i> Clean Coalition Comments on Interconnection Dispute Resolution Staff Paper at p.6  Expedited Interconnection Dispute Resolution Process FINAL, p.17	N/A
10. That the public webpage also contain a link to a list of all current and prior disputes for review in order to ensure that interested parties can easily identify the existence of disputes without foreknowledge of specific disputes.	<i>See:</i> Clean Coalition Comments on Interconnection Dispute Resolution Staff Paper at p.5  Expedited Interconnection Dispute Resolution Process FINAL, p.16	N/A
11. Submitting Comments on Sub-Panel Recommendations, re: Section 769.5(b)(6): Interested Persons	<i>See:</i> Clean Coalition Comments on Interconnection Dispute Resolution Staff Paper at p.6  Expedited Interconnection Dispute Resolution Process FINAL, p.14	N/A

**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>4</sup></b>	<b>Yes</b>	N/A
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	<b>Yes</b>	N/A
<b>c. If so, provide name of other parties:</b>  No other non-utility party submitted formal comments, however ORA, CalSEIA, IREC, and CESA submitted informal comments on the Staff Concept Paper		N/A

<sup>4</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p><b>d. Intervenor's claim of non-duplication:</b></p> <p>No other non-utility party submitted formal comments or replies on the Draft Resolution.</p> <p>The Clean Coalition has been an active and regular participant throughout each phase of the Rule 21 proceedings, and brought a unique perspective from our organization's experience with expertise in distribution interconnection among both public and investor owned utilities.</p> <p>With the exception of IREC, other parties comments were brief and limited, however each party contributed specific and useful recommendations and we noted broad support for these in addition to our own.</p>	N/A
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION****A. General Claim of Reasonableness (§ 1801 and § 1806):**

<p><b>a. Intervenor's claim of cost reasonableness:</b></p> <p>Clean Coalition brings a particular expertise in interconnection of distributed resources.</p>	<p><b>CPUC Discussion</b></p> <p>N/A</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>The hours and rates claimed are modest given the value of our perspective and involvement. Clean Coalition Director of Economic &amp; Policy Analysis K. S. White has been lead or co-lead for the Clean Coalition in the interconnection proceedings over the last seven years and drew upon considerable experience with these issues. Hours billed were judicious and effective.</p>	N/A
<p><b>c. Allocation of hours by issue:</b></p> <p>This Resolution addressed a single issue – establishing an Expedited Interconnection Dispute Resolution Process, with a total claim of less than 22 hours. The full range of topics was addressed in the informal review and comment process, and revisions were incorporated as noted in the Final Resolution. Further allocation of hours by sub-topic is not practical.</p>	N/A

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
K.S. White	2017	23.9	\$315	D.16-08-014	\$7,528.5			
Subtotal: \$						Subtotal: \$		

**PROPOSED DECISION**

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
K.S. White	2017	5	\$156	D.16-08-014	\$780	0	0	\$0.00
Subtotal:\$780.00						Subtotal: \$0.00		
TOTAL REQUEST: \$8,308.50						TOTAL AWARD: \$0.00		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								

**PART IV: OPPOSITIONS AND COMMENTS**

**Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
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<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	No
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If not:

<b>Party</b>	<b>Comment</b>	<b>CPUC Discussion</b>

**FINDING OF FACT**

- Clean Coalition has failed to provide facts that would change the Commission's prior determination of Clean Coalition's ineligibility to claim intervenor compensation.

**CONCLUSIONS OF LAW**

1. The Claim fails to satisfy all requirements of Pub. Util. Code §§ 1801-1812.
2. Clean Coalition is not eligible to claim intervenor compensation.
3. The comment period for today's decision should not be waived.
4. Application 17-12-022 should be closed.

**ORDER**

1. The intervenor compensation claim filed by Clean Coalition is denied.
2. Application 17-12-022 is closed.
3. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	Resolution ALJ-347		
<b>Proceeding(s):</b>	A1712022		
<b>Author:</b>	ALJ Goldberg		
<b>Payer(s):</b>	None		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Clean Coalition	December 14, 2017	\$8,308.50	\$0.00	N/A	Failure to meet eligibility requirements pursuant to Public Utilities Code § 1801-1812.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
K.S.	White	Advocate	Clean Coalition	\$315	2017	\$0.00

**(END OF APPENDIX)**